

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IGNACIO SALIDO, JR.,

Plaintiff,

v.

BUREAU OF PRISONS,

Defendant.

No. 1:23-cv-01395-JLT-SAB (PC)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS

(ECF No. 12)

Plaintiff is proceeding pro se in this action filed pursuant to Bivens v. Six Unknown
Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Plaintiff's complaint in this action was filed on September 25, 2023. (ECF No. 1.)

On November 8, 2023, the Court screened the complaint, found that Plaintiff failed to state a cognizable claim for relief, and granted Plaintiff thirty days to file an amended complaint. (ECF No. 10.)

Plaintiff failed to file an amended complaint or otherwise respond to the November 8, 2023 order. Therefore, on December 19, 2023, the Court issued an order for Plaintiff to show cause why the action should not be dismissed. (ECF No. 11.) Plaintiff failed to respond to the order to show cause. Thus, on January 26, 2024, Findings and Recommendations recommending dismissal of the action were issued. (ECF No. 12.) On February 7, 2024, Plaintiff filed objections. (ECF No. 13.) In his objections, Plaintiff stated that he submitted an amended

1 complaint on or about November 15, 2023, which was assigned and opened as a new case in case
2 number 1:23-cv-01606-NODJ-SAB (PC), Salido v. Moon. (Id. at 1.) In response, on February
3 15, 2024, in case no. 1:23-cv-01606-NODJ-SAB (PC), Salido v. Moon, the Court ordered that the
4 complaint from that action be filed as the first amended complaint in the instant action. (ECF No.
5 14, Case No. 1:23-cv-01606.) The first amended complaint was filed in this action on this same
6 date. (ECF No. 14.) Inasmuch as Plaintiff has now filed a first amended complaint in this action,
7 the Court will vacate the Findings and Recommendations recommending dismissal of the action
8 and screen the first amended complaint in due course.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The Findings and Recommendations issued on January 26, 2024 (ECF No. 12) are
11 VACATED; and
- 12 2. Plaintiff is advised that the first amended complaint will be screened in due course.

13
14 IT IS SO ORDERED.

15 Dated: February 15, 2024


UNITED STATES MAGISTRATE JUDGE